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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

George G. Zipfel, Jr. et al

Attorney Docket No: Zipfel 1

Serial No.: 10/783,499

Art Unit: 2815

Filed: 02/20/2004

Examiner: SHINGLETON, Michael B.

Title: SWITCHING AMPLIFIER FOR DRIVING REACTIVE LOADS

COMMISSIONER FOR PATENTS  
WASHINGTON D.C. 20231

SIR:

**PETITION TO DIRECT THE EXAMINER TO  
RESPOND TO ARGUMENTS MADE BY APPLICANT  
IN SUPPORT OF THE PATENTABILITY OF CLAIM 63**

The Commissioner is hereby petitioned to direct the examiner in this application to provide a substantive written response to applicant's arguments as to the patentability of pending claim 63.

The examiner was required to provide such a response by, at least, 37 CFR 1.104, 1.112 and MPEP §707.07, but he has not done so, despite numerous requests by applicant.

As background, the presently outstanding rejection of claim 63 first appeared in an Office action dated 03/24/2006 based on Prokin in view of Sawashi. (See p. 8 of that Office action.) The Examiner has asserted that the load filters of claim 63— which correspond, for example, to load filters 39 and 43 of applicants' embodiment of FIG. 4A— find correspondence in Prokin's filters 41 and 42.

In response, Applicant has pointed out in at least six separate formal papers, viz.

Applicant's paper dated 11/10/2006, p. 20

Applicant's paper dated 12/26/2006, p. 14

Applicant's paper dated 07/09/2007, pp. 17-18

Applicant's paper dated 12/10/2007, p. 18

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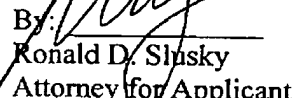
Applicant's paper dated 10/27/2008 (Pre-Appeal Brief paper), p. 2)  
Applicants paper dated 12/14/2009, p. 16

that Prokin's filters 41 and 42 do not meet the limitation of claim 63, lines 7-9—a limitation that states that “each load filter [has] a passband that includes said particular switching frequency and having a stop band at frequencies higher than said particular switching frequency.” Applicants thus argued that the rejection under 35 USC 103 was improper because a limitation asserted by the examiner to be shown in Prokin was, in fact, *not* shown in Prokin. Applicants not only made the argument in the above-noted papers but also pointed out in various of these papers that the examiner had failed to respond to applicant's arguments.

The examiner has, nonetheless, never substantively addressed this argument.

It is respectfully submitted that applicant is entitled to a written reply to applicant's arguments and the Commissioner is hereby petitioned to direct the examiner to provide same.

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